

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 DLOS-03 CIAE-00 DODE-00 PM-03 H-01

INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 COA-01 OES-03 IO-10 ACDA-05 CG-00 DOTE-00

INT-05 COME-00 EB-07 SAM-01 SAI-01 /092 W

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R 111535Z FEB 75

FM AMEMBASSY OSLO

TO SECSTATE WASHDC 9285

INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BONN

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

C O N F I D E N T I A L OSLO 0590

E.O. 11652: GDS

TAGS: PFOR, NO, UR, SV

SUBJECT: SVALBARD CONTINENTAL SHELF AND DELIMITATION OF BARENTS SEA

REF: OSLO 5504 (NOTAL)

1. AT FEBRUARY 10 NATO COUNSELOR'S LUNCHEON ADDRESSED BY FORMIN
POLAR ADVISER BUCHER-JOHANNESSEN WHO SPOKE ABOUT SVALBARD, NETHERLANDS

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COUNSELOR BUWALDA REPORTED THAT HIS GOVERNMENT HAD INFORMED NORWEGIANS

IN ORAL STATEMENT AT RECENT HAGUE MEETING OF DIRECTORS GENERAL FOR POLITICAL AFFAIRS THAT IT ALSO DID NOT ACCEPT THE NORWEGIAN INTERPRETATION OF THE 1920 SPITZBERGEN TREATY AS IT CONCERNS RIGHT OF EXPLOITATION ON THE CONTINENTAL SHELF. BUWALDA LATER EXPLAINED PRIVATELY THAT THE CHIEF LEGAL ADVISER RIPHAGEN, WHO MADE THE PRESENTATION, INDICATED IT WAS NOT A DEMARCHE AND THAT HIS GOVERNMENT DREW NO PRACTICAL CONCLUSIONS FROM THIS PURELY LEGAL JUDGMENT. BUWALDA NOTED THAT HIS GOVERNMENT HAD GONE SOMEWHAT FURTHER THAN ITS ALLIES IN ITS RESERVATION, BUT HE SPECULATED THAT THIS LEGAL JUDGMENT MIGHT NOT NECESSARILY BECOME GOVERNMENTAL POLICY. (TO QUESTION WHETHER RIPHAGEN CONSIDERED THAT TREATY EXTENDED TO ALL OF CONTINENTAL SHELF, OR SIMPLY TO PORTION OF SHELF WITHIN AREA BOUNDED BY TREATY COORDINATES, BUWALDA SUGGESTED THAT DETAILS OF LEGAL JUDGMENT BE DISCUSSED DIRECTLY WITH RIPHAGEN IN THE HAGUE. IF EMBASSY HAGUE TALKS TO RIPHAGEN, IT MIGHT ALSO ASK HIS JUDGMENT OF HOW INTERNATIONAL COURT WOULD INTERPRET SPITZBERGEN TREATY; NORWEGIAN VIEW IS THAT ISSUE WILL EVENTUALLY HAVE TO BE DECIDED BY THE WORLD COURT.)

2. THE DISCUSSION OF RECENT RESERVATIONS INDUCED THE FRENCH COUNSELOR PIMODAN TO NOTE THAT HIS GOVERNMENT ALSO HAD INFORMALLY RESERVED ITS POSITION (OSLO 5504, DEC. 23). WHEN BUCHER-JOHANNESSEN PROFESSED SURPRISE AT HEARING THIS STATEMENT OF FRENCH POSITION, PIMODAN INSISTED THAT IT HAD BEEN MADE ORALLY AT THE NORWEGIAN FOREIGN MINISTRY. HE LATER EXPLAINED THAT, TO AVOID CONVEYING IMPRESSION THAT SILENCE MEANS CONSENT, HE HAD MENTIONED IN COURSE OF CONVERSATION AT FORMIN ON MORE THAN ONE OCCASION THAT FRENCH JURISTS, WHO HAD BEEN ASKED FOR THEIR OPINION, DID NOT SHARE NORWAY'S INTERPRETATION OF TREATY. JURISTS ARGUED THAT TREATY WAS QUITE PRECISE IN DELIMITING COORDINATES OF THE AREA COVERED BY THE TREATY, AND THAT CLAIM THAT SVALBARD AND MAINLAND SHARE SAME CONTINENTAL SHELF WOULD IMPLY THAT BRITAIN AND FRANCE SHARE SAME SHELF. FRG COUNSELOR REPORTED PRIVATELY AT LUNCHEON THAT BONN HAS STILL NOT COMPLETED ITS LEGAL STUDY.

3. IN HIS EXPLANATION OF THE SOVIET RESERVATION IN 1970 AFFIRMING THE RIGHT OF SIGNATORY POWERS TO EXPLOIT THE SHELF,
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BUCHER-JOHANNESSEN REVEALED SOME FURTHER ASPECTS OF THE SOVIET POSITION. IT NOW APPEARS THAT USSR SET FORTH ITS POSITION IN A PROTEST TO A NORWEGIAN NEWSPAPER ARTICLE PURPORTING TO OUTLINE THE VIEWS OF THE NORWEGIAN GOVERNMENT WHICH, AT THE TIME, HAD NOT YET BEEN ARTICULATED. FACT THAT USSR DID NOT THEN PROTEST IN 1973 WHEN NORWAY FORMALLY SET FORTH ITS POSITION IN STORTING REPORT NUMBER 25 ONLY STRENGTHENED THE NORWEGIAN PREDISPOSITION TO BELIEVE THAT MOSCOW WILL SEE ITS OWN BEST INTERESTS SERVED BY EVENTUALLY AGREEING WITH THE NORWEGIAN POSITION, WHICH WOULD REDUCE THE DANGER OF FOREIGN OIL RIGS OPERATING IN THE

SENSITIVE BARENTS SEA AREA.

4. COMMENT: WE HAVE ALSO DETECTED FLEXIBILITY IN THE SOVIET POSITION. WHEREAS AMBASSADOR ROMANOVSKIY WAS CATEGORIC IN JANUARY 1974 IN AFFIRMING SOVIET RIGHTS ON THE SHELF UNDER THE 1920 TREATY, SOVIET DCM SMIRNOV IN DISCUSSION WITH DCM IN DECEMBER 1974 WAS NOTICEABLE COY IN RESPONDING TO QUESTION WHETHER THE SOVIET POSITION REMAINED AS DESCRIBED IN 1970, SHARPLY CUTTING OFF HIS COUNSELOR WHEN LATTER BEGAN TO PARROT THE 1970 POSITION THAT TREATY SIGNATORIES HAVE RIGHTS ON THE SHELF.

5. ON POTENTIALLY RELATED ISSUE OF NEGOTIATIONS TO DELIMIT THE BARENTS SEA CONTINENTAL SHELF, DIRECTOR GENERAL FOR POLITICAL AFFAIRS VIBE TOLD DCM ON FEBRUARY 7 THAT AMBASSADOR ROMANOVSKIY HAD RECENTLY TOLD MINISTER WITHOUT PORTFOLIO EVENSEN THAT, WHILE HE DID NOT EXCLUDE RENEWED NEGOTIATIONS THIS SPRING (AS PROPOSED BY NORWAY), HE THOUGHT IT MORE LOGICAL TO MEET IN SEPTEMBER TO GIVE TIME TO DIGEST THE RESULTS OF THE LAW OF THE SEA DISCUSSIONS. DCM SMIRNOV ADOPTED TOUGHTER STANCE WITH BUCHER-JOHANNESSEN, REMARKING THAT THE BALL WAS IN NOWEGIAN COURT, AND HE COOULD SEE LITTLE POINT IN MEETING IF NOORWAY IS NOT PREPARED TO MOVE TOWARD SOVIET POSITION.
BYRNE

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